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TAGS: [EFIN](#) [KTFN](#) [PREL](#) [PTER](#) [UNSC](#)
SUBJECT: GUIDANCE FOR USUN FOR THE SECURITY COUNCIL JOINT
MEETING ON THE COUNTER-TERRORISM COMMITTEE,
AL-QAIDA/TALIBAN COMMITTEE, AND 1540 COMMITTEE

[¶1.](#) (U) This is an action request. Please see paragraphs 3
and 4.

BACKGROUND

[¶2.](#) (U) On Tuesday, 6 May, the Chairman of the 1267
(al-Qaeda/Taliban) Sanctions Committee (Belgian PermRep
Johan Verbeke), the Chairman of the Security Council
Committee established pursuant to resolution 1540 (Costa
Rican PermRep Jorge Urbina), and the Chairman of the
Counter-Terrorism Committee (CTC) (Croatian PermRep Neven
Jurica) will brief the UNSC on their ongoing efforts to
cooperate and coordinate activities, where appropriate.
This meeting presents an opportunity to recognize the fine
work of all three committees, and to underscore key
challenges that lie ahead.

ACTION REQUEST

[¶3.](#) (U) Department requests USUN deliver the following remarks
in response to the statement for the Security Council
Joint Meeting on the Counter-Terrorism Committee,
Al-Qaida/Taliban Committee, and 1540 Committee:

Mr. President, I would like to thank the Chairmen for
their briefings and for their joint statement on the
cooperation among the three Security Council committees
that deal with the issues of terrorism and
non-proliferation. The Chairmen's dedicated leadership is
central to the effectiveness of these three subsidiary
bodies. Amb. Verbeke, since this is your last briefing, I
would like to wish you the best and thank you for your
service to the 1267 Committee. You served with
distinction and we will miss your leadership in the
Committee. I also would like to thank the three
committees' experts' groups for their invaluable support
to the committees.

Today's briefing is timely, given the recent renewal of
the Counter-Terrorism Committee and 1540 Committee
mandates and the upcoming considerations of the 1267
Monitoring Team's mandate. All three are now well
established and ready to begin a new phase of their work.
I would like to focus on several ways in which the
committees can help counter the dual scourges of terrorism
and the proliferation of weapons of mass destruction,
which represent the preeminent threats to international
peace and security today.

In this regard, a concentration on capacity building is
essential. Reports have been received and analyzed. It
is time to act on the findings of these evaluations.
Security Council Resolution 1805 rightly stresses the

CTC's important mandate in this area. We welcome the new tools the CTC has developed, such as the technical assistance matrix and directory of assistance on the CTC's website. We urge the CTC to continue its coordination with the G-8 Counter-Terrorism Action Group and to organize regional meetings for States seeking and offering assistance. The 1267 Committee also has a key role in this area. To that end, it should continue to share with the CTC information concerning States' technical assistance needs.

The 1540 Committee should work with States as an effective clearinghouse (using the information it has collected from States). It then should set about the work of building capacity. The Committee should proceed with its efforts to post its 1540 implementation matrices on its website, subject to States' consent. By doing so, the Committee can help States seeking to provide assistance to plan and execute assistance programs. We also hope that States will use the 1540 Committee's new technical assistance template to submit requests to the Committee. States should also submit action plans to the Committee, as the United States has done, so the Committee can use those plans to match requests and offers for assistance.

The United States is pleased to play its part in addressing States' technical assistance needs. Last year, for example, the U.S. Antiterrorism Assistance Program (ATA) trained over 4,500 participants from 64 countries. ATA's courses emphasize law enforcement under the rule of law and respect for human rights. In an effort to address the conditions that terrorists exploit for recruitment and ideological purposes, U.S. assistance programs administered through USAID and other agencies are increasing access to education, improving health care, and focusing on democratic and economic reform. To support 1540 implementation, the United States has provided over \$2 billion annually for assistance or other programs.

We look forward to the completion of specific projects mentioned in the briefings. In particular, the 1267 Committee must continue to give priority to updating the Consolidated List to ensure that it accurately reflects the current threat posed by Al-Qa'ida and the Taliban. We encourage other Member States to contribute to this effort by providing information for further listings and delistings. The Committee should also continue its efforts to update the Taliban portion of the List by designating new Taliban who are responsible for the upsurge in violence in Afghanistan. Similarly, the Committee should delist former Taliban who have severed their ties to the organization and add new and updated biographical information to the List so States can better implement the sanctions.

The committees have accomplished much, UN member states have frozen \$150 million in terrorist assets by implementing 1267 sanctions. But we must not lose sight of the remaining challenges. Al-Qa'ida has expanded its operations, and the Taliban is resurgent. Finally, the prospect of terrorists gaining access to weapons of mass destruction remains the gravest threat imaginable. To counter terrorism and proliferation of weapons of mass destruction, the committees must continue to focus on practical, concrete activities that can promote States' capacity to implement the respective resolutions. We pledge our support in this essential fight.

14. (U) Department further requests USUN draw from the following points, if needed, should the case of Luis Posada Carriles and five Cuban Spies be raised (likely by the Governments of Cuba and/or Venezuela), following the SC joint briefing. Cuba and Venezuela have been placed on speakers' list for the Tuesday 6 May Joint Public Meeting on the CTC, 1267, and 1540 Committee Security Council briefing, and have used such opportunities in the past to raise such issues. Begin remarks:

The Council is here this morning to review the work of the 1267 Committee, the CTC, and the 1540 Committee.

Most speakers have engaged constructively in discussing ways to increase cooperation and advance the work of the three committees, and we appreciate those contributions.

It is disappointing, therefore, that two representatives departed from the focus of the debate to introduce allegations that distort the facts of two cases being adjudicated in the United States.

In the case of Mr. Luis Posada Carriles, the United States has taken a number of legal actions with respect to Mr. Posada.

In taking these steps the United States has acted consistent with international law as well as our domestic legal framework, which provides various constitutional safeguards to protect individual rights.

As with all democracies around the world that follow the rule of law, as opposed to other systems of governance, these safeguards provide that an individual cannot be brought for trial or extradited unless sufficient evidence has been established that he committed the offense charge. In the United States, this standard is described as "probable cause."

Let me give you a brief overview of steps the United States has taken with respect to Posada within this legal framework:

Posada entered the United States illegally in early 2005.

Posada was detained by immigration authorities in the United States on May 17, 2005, and he was, in accordance with U.S. law, placed in removal proceedings.

On September 27, 2005, an immigration judge ordered Posada's removal from the United States, but granted a deferral of removal as to Cuba and Venezuela under the regulations implementing the Convention Against Torture. The court ordered that Posada be "deported and removed from the United States to any country, other than Cuba and Venezuela, willing to accept him."

This order remains in effect. The United States has been seeking ways to implement it consistent with the terms of the order and U.S. regulations that implement the obligations of the United States under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Moreover, the United States sought and obtained a criminal indictment charging Posada with violations of our immigration laws. The U.S. district court handling that case dismissed the indictment. As is well known, our judges are wholly independent of the Executive Branch. They enjoy tenure for life, and are fiercely independent. This federal judge, sitting not in Florida but in Texas, reached her decision according to her reading of the law. In our system, as in all those that respect the rule of law, a decision by the courts must be obeyed unless and until it is overturned by a higher court. The United States filed a notice appealing the district court's decision dismissing the case on June 5, 2007, but that appeal has not yet been decided.

Posada also remains under investigation for past activities.

In the meantime, Posada remains subject to the order of removal issued by the immigration judge and is without legal status in the United States.

He is also subject to an Order of Supervision from the Department of Homeland Security, Immigration and Customs

Enforcement (ICE), which imposes certain restrictions on Posada, including reporting and monitoring requirements.

In sum, the United States continues to be engaged in an ongoing series of actions, consistent with our legal requirements, due process, and the rule of law, with respect to Posada.

In the case of the five Cubans accused of spying, in 2001 the individuals in question were convicted in U.S. Federal Court of conspiracy to commit espionage, among other charges that included conspiracy by one of those individuals to commit murder, having supported and implemented a plan to shoot down United States civilian aircraft.

On October 31, 2005, the 11th Circuit Court of Appeals vacated a previous ruling by a three-judge appellate panel that had ordered a new trial. On rehearing, the 11th Circuit Court of Appeals as a whole affirmed the propriety of the trial on the challenged ground, and returned the rest of the appellate issues to the three-judge panel for decision. The remaining appellate issues await decision by the court. The five convicted spies are serving their prison sentences while the case is processed in the U.S. judicial system.

The United States has always provided the five defendants with all the guarantees of due process inherent in the independent and impartial U.S. judicial system. Despite the frustration expressed by the two speakers who raised these cases, we assure them that U.S. courts and administrative proceedings are independent and that they fairly and impartially interpret and apply the law.

15. (U) Department appreciates Mission's assistance.
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